

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5055 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

GIRISH S. RAVAL,

Versus

THE DIRECTOR, THE INDIAN STANDARD INSTITUTION

Appearance:

MR KV SHELAT for Petitioner

MR JS YADAV for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/09/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner prayed for the following reliefs
in this special civil application:

That a writ of mandamus or any other appropriate writ, order or direction be issued:

- (A) restraining the respondents from terminating the services of the petitioner;
- (B) directing the respondents to treat the service of the petitioner's service as continuous and permanent;
- (C) directing the respondents to pay to the petitioner equal pay as that drawn by the permanent LDC from the date of joining services;
- (D) directing the respondents to give all the benefits of service as those given to permanent LDC;
- (E) directing the respondents to act according to law and as the work of Assistant is taken from the petitioner since long, the petitioner be paid the salary of Assistant-Grade Rs.425/- (Basic) or as per the Revised Grade;
- (F) directing the respondents to pay costs of this petition;
- (G) any other and further relief/s as may be deemed just, and expedient in the facts and circumstances of the case may kindly be granted;

3. Only claim of the petitioner which survives is re. for equal pay for equal work for the post of L.D.C.. It is not in dispute that during the pendency of the special civil application, on his passing the examination, the petitioner's services have been regularised from the year 1989. The post of L.D.C. has to be filled in by direct selection as per the rules of the institution and unless the petitioner passed the prescribed test his services could not have been regularised. Earlier he was given an opportunity to pass the test but he failed twice and the respondent-institution acted fairly and reasonably and in consonance with the rules and provisions of Articles 14 and 16 of the Constitution to regularise his services from the date of passing of the test.

4. The claim of the petitioner for equal pay for equal work, deserves acceptance but only from the date of filing of the special civil application as earlier to that he has not made any complaint. The petitioner's appointment on daily wage basis has been made after

selection against a vacant post, which is clearly borne out from the pleadings of the parties. A document is also there on the record of this special civil application at page No.35-36 from which I find that procedure to make daily wage appointments is laid down for Regional/Branch/Inspection Offices of I.S.I.. This matter is squarely covered by the Division Bench decision of this Court in the case of GMDC Employees Union vs. Gujarat Mineral Devp. Corpn. reported in 2000 (2) GLH 523.

5. In the result, this special civil application succeeds only to this extent and the respondents are directed to pay to the petitioner the minimum of the pay scale of L.D.C. plus dearness allowance thereon as per the Institution Rules from the date of filing of the writ petition till the date of his regularisation of services. The calculation for the amount to be paid as arrears on fixation of his pay as per direction aforesaid has to be made within a period of one month from the date of receipt of writ of this order and the amount has to be paid thereafter within a period of 15 days. Rule is made absolute to this extent only. No order as to costs.

zgs/-